

UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

REGION 24

LA TORRE DE PLAZA, SUITE 1002

525 F.D. ROOSEVELT AVE.

SAN JUAN, PUERTO RICO 00918-1002
5347

TELEPHONE (787) 766-

FAX (787) 766-5478
E-MAIL: REGION24@NLRB.GOV

August 11, 2006

Coqui.Net, Corp.
Rexco Industrial Park 400
Street C, Suite 200
Guaynabo, PR 00969

RE: Coqui.Net, Corp.
Case 24-RM-282

Gentlemen:

The above-referenced case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, it appears that further proceedings on the petition are unwarranted. First, the Petitioner failed to establish an adequate showing of interest. The anti-union petition provided by the Petitioner was signed by a numerical minority of unit employees, and thus is insufficient to establish a good-faith reasonable uncertainty as to the Union's continuing majority status. Heritage Container, 334 NLRB 455 (2001). In this regard, it is well established that the Board presumes that an incumbent union has continued majority status and that newly hired employees support the union in the same proportion as the employees they have replaced. Levitz, 333 NLRB 717, fn. 60 (2001) (*citations omitted*). Thus, the Board will disregard employee turnover in the bargaining units as evidence to support the Employer's good faith uncertainty standard. *Id.* Furthermore, the additional evidence of employee disaffection provided by the petitioner, e.g. employees' statements regarding other employees' anti-Union sentiments, were too vague, and therefore unreliable to establish the Employer's uncertainty. Scepter Ingot Castings, 331 NLRB 1509 (2000). *enfd.* 280 F. 3d 1053 (D.C. Cir. 2002); See also MSK Corp., 341 NLRB No. 11 (2004), slip op at 2 (*citations omitted*).

Accordingly, the evidence provided by the Petitioner, whether considered individually or cumulatively, does not create a good faith reasonable doubt as to the Union's majority status, and therefore, the petition should be dismissed.

Your Right to Obtain a Review of Dismissal Action: Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request for review with the National Labor Relations Board, 1099 14th Street, NW, Washington, DC 20570. If you file a request for review, you must also send a copy to the other parties to this proceeding and to me.

Request for Review Due Date: The request for review must be received by the Executive Secretary for the Board by the close of business at 5:00 p.m. [EST or EDT, as appropriate] on **August 25, 2006**. However, if you mail the request for review, it will be considered timely if it is postmarked no later than the day before the due date.

Extension of Time to File Request for Review: Upon good cause, the Board may grant special permission for a longer period within which to file a request for review. If you file a request for extension of time with the Executive Secretary in Washington, you must send a copy of your request to the other parties to this proceeding and to me.

Request for Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement that a copy has been served on the other parties to this proceeding and on me and that service has been accomplished in the same or faster manner as that used to serve the Board.

Very truly yours,

/s/

Marta M. Figueroa
Regional Director

cc: Office of the Executive Secretary, Washington DC 20570

Alicia Figueroa Llinas, Esq., Fiddler, Gonzalez & Rodríguez, P.S.C.
PO Box 363507, San Juan, PR 00936-3507

Juan Carlos Pérez Otero, Esq., Coqui.Net, Corp.
Rexco Industrial Park 400, Street C, Suite 200, Guaynabo PR 00969

Union Independiente de Empleados Telefonicos de Puerto Rico
Calle 31 SO #753, Rio Piedras, PR 00925